IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.372 OF 2006
CONNECTED WITH
COMPANY APPLICATION NO.517 OF 2006

Ahsan Exports Private Limited ..Petitioner

COMPANY PETITION NO.373 OF 2006
CONNECTED WITH
COMPANY APPLICATION NO.518 OF 2006

Darshit Investments Private Limited ..Petitioner

COMPANY PETITION NO.374 OF 2006
CONNECTED WITH
COMPANY APPLICATION NO.519 OF 2006

Fazlani Exports Private Limited ..Petitioner

COMPANY PETITION NO.375 OF 2006
CONNECTED WITH
COMPANY APPLICATION NO.520 OF 2006

Virginia Coldstorage Private Limited ..Petitioner

Mr.Devanshu P.Desai for the petitioners.

Ms.K.V.Gautam Dy. O.L. except in CP 375/2006.

Mr.C.J.Joy with Mr.R.C.Master i/by S.S.Sarkar for R.D.

Coram : R.S.Mohite,J

Date : 15.09.2006.

PC

1. Company Petition No.372 of 2006 filed by Ahsan Exports Private Limited, Company Petition No.373/2006 filed by Darshit Investments Private

Limited, and Company Petition No.374 of 2006 filed by Fazlani Exports Private Limited, are filed by transferor companies and Company Petition No.375 of 2006 is filed by the transferee company Virginia Coldstorage Private Ltd., All these petitions filed under Sections 391 and 394 of the Companies Act, seek sanction of this Court for the scheme of amalgamation which can be found at Exhibit-A to Company Petition No.374 of 2006.

2. According to the petitioners, all statutory requirements are complied with. Copies of the petitions have been served upon the Regional Director, Western region, who upon obtaining a report from the Registrar of Companies, has filed affidavit dated 23.8.2006. In the said affidavit he has stated that the transferee company should be directed to comply with the provisions pertaining to change of name under Section 21/23 of the Companies Act. Subject to the aforesaid objection, he has stated that the scheme is not prejudicial to the interest of creditors and shareholders and public. Official Liquidator has also filed a report in all the petitions filed by the transferor companies and has stated that the audited accounts of the transferor companies have been perused with the help of the Chartered Accountant and it is found that the 3 transferor companies have not conducted business in a manner prejudicial to the interest of the

members or to public interest.

3. Taking into account the scheme and the aforesaid facts, I find no reason as to why sanction to this scheme should not be granted. Accordingly all the four petitions are allowed in terms of prayer clauses-(a) to (g).

4. All the petitioners will pay Rs.2500/- each to the Regional Director by way of costs. In addition, the transferor companies to pay Rs.2500/- to the Official Liquidator. Costs to be paid within a period of four weeks from today. Undertaking given on behalf of transferee company is accepted.

5. Parties to act on a copy of this order duly certified by the Company Registrar. Making up of a drawn up order is dispensed with. All the four petitions stand disposed off.

(R.S.Mohite,J)